# Public Prosecutor v Mumar bin Julaili

HIGH COURT (KOTA KINABALU) — CRIMINAL TRIAL NO K47-01-95
TEE AH SING JC
24 NOVEMBER 1995

***Criminal Law*** *— Dangerous Drugs Act — Section 39B(1)(a) — Trafficking in dangerous drugs — Unclear whether chemist was referring to 'cannabis' within s 2 or 'cannabis (Indian hemp)' under First Schedule — Different offences with different penalties — Whether charge should be amended to a lower charge of possession under s 12(2) — Dangerous Drugs Act 1952 ss 2, 12(2) & 39B(1)(a)*

The accused was charged with trafficking in a dangerous drug, namely, 379g of cannabis, contrary to s 39B(1)(a) of the Dangerous Drugs Act 1952 ('the Act'), punishable under s 39B(2) of the Act. The government chemist testified that the 379g of plant material was cannabis as defined in the Act. However, he did not specify whether the cannabis he referred to was 'cannabis' as defined in s 2 of the Act or 'cannabis (Indian hemp)' in Pt III of the First Schedule of the Act. The issue before the court was whether the prosecution had made out a prima facie case against the accused.

**Held**, amending the charge to one of possession of cannabis (Indian hemp) under s 12(2) of the Act, and convicting the accused:

(1) As the chemist did not specifically testify that the plant material was cannabis as defined under s 2 of the Act, an inference most favourable to the accused persons must be adopted (see p 111F); *Tai Chai Keh v PP* [1948-49] MLJ Supp 105 followed.

(2) As the term cannabis as referred to by the chemist could also refer to cannabis (Indian hemp), the trafficking of which was a lesser offence and carried a lighter sentence, the court had to construe that the chemist referred to cannabis (Indian hemp). Accordingly, the charge against the accused was amended to one of possession of cannabis (Indian hemp) under s 12(2) and punishable under s 12(3) of the Act (see p 111E and I); *Shukri bin Mohamad v PP* [1995] 3 MLJ 229 followed.

(3) The accused pleaded guilty to the amended charge. Taking into consideration the question of public interest, the circumstances and manner in which the offence was committed, the need to strike a reasonable balance between the interests of the public and the accused, the question of deterrence, the rampancy of the offence and the plea in mitigation before imposing sentence, the accused was sentenced to five years' imprisonment (see p 112E–F); *Mohamed Jusoh bin Abdullah & Anor v PP* [1947] 13 MLJ 130 followed).

[**Bahasa Malaysia summary**

Tertuduh telah dipertuduhkan dengan pengedaran dadah berbahaya, iaitu, 379g ganja, bercanggahan dengan s 39B(1)(a) Akta Dadah berbahaya 1952 ('Akta tersebut'), yang boleh dihukum di bawah s 39B(2) Akta tersebut. Ahli kimia kerajaan telah memberi keterangan bahawa 379g material tumbuhan yang berkenaan ialah ganja seperti yang telah ditakrifkan dalam Akta tersebut. Walau bagaimanapun, dia tidak menyatakan secara spesifik sama ada ganja yang dia nyatakan itu merupakan 'ganja' seperti yang ditakrifkan dalam s 2 Akta tersebut ataupun 'ganja (Indian hemp)' dalam Bhg III Jadual Pertama Akta tersebut. Isu yang harus diputuskan oleh mahkamah ialah sama ada pihak pendakwa telah membuktikan suatu kes prima facie terhadap tertuduh.

**Held**, memindakan tuduhan kepada pemilikan ganja (Indian Hemp) di bawah s 12(2) Akta tersebut, dan menyabitkan tertuduh:

(1) Oleh kerana ahli kimia tidak memberi keterangan secara spesifik bahawa material tumbuhan yang berkenaan ialah ganja seperti yang telah ditakrifkan di bawah s 2 Akta tersebut, suatu inferens yang paling menyenangi tertuduh harus dipakai (lihat ms 111F); *Tai Chai Keh v PP* [1948-49] MLJ Supp 105 diikut.

(2) Oleh kerana terma ganja yang dirujuk oleh ahli kimia itu juga merujuk kepada ganja (Indian hemp), di mana pengedarannya merupakan suatu kesalahan yang lebih ringan dan membawa suatu hukuman yang lebih ringah, mahkamah harus mentafsirkan bahawa ahli kimia merujuk kepada ganja (Indian hemp) di bawah s 12(2) yang boleh dihukum di bawah s 12(3) Akta tersebut (lihat ms 111E dan I); *Shukri bin Mohamad v PP* [1995] 3 MLJ 229 diikut.

(3) Tertuduh telah membuat akuan bersalah terhadap pertuduhan terpinda itu. Selepas mengambil kira soalan kepentingan awam, keadaan dan cara kesalahan dilakukan, keperluan untuk mencapai suatu imbangan yang munasabah antara kepentingan awam dan tertuduh, soalan pencegahan, penularan kesalahan, dan rayuan pengurangan hukuman sebelum menjatuhkan hukuman, tertuduh telah dijatuhkan hukuman lima tahun penjara (lihat ms 112E–F); *Mohamed Jusoh bin Abdullah & Anor v PP* (1947) 13 MLJ 130 diikut.

**Notes**

For cases on trafficking in dangerous drugs, see 4 *Mallal's Digest* (4th Ed) paras 26–108; [1989] Mallal's Digest 592–621; [1990] Mallal's Digest 463–467; [1991] Mallal's Digest 820–849; [1992] Mallal's Digest 657–671; [1993] Mallal's Digest 526–538; [1994] Mallal's Digest 849–870.

**Cases referred to**

*Mohamed Jusoh bin Abdullah & Anor v PP* (1947) 13 MLJ 130
*Shukri bin Mohamad v PP* [1995] 3 MLJ 229
*Tai Chai Keh v PP* [1948-49] MLJ Supp 105

**Legislation referred to**

Criminal Procedure Code (FMS Cap 6) ss 158(ii), 399(i), First Schedule Pt III

Dangerous Drugs Act 1952 ss 2, 12(2), (3), 39B(1)(a), (2)

*John Sikayun (Luping & Co)* for the accused.
*Amir Nasruddin* (Deputy Public Prosecutor) for the public prosecutor.

**Tee Ah Sing JC:** In this case, Mumar bin Julaili ('the accused') was charged as follows:

> That you, on 19 October 1992, at about 8pm, at the car park at SEDCO, in front of Centre Point, Kota Kinabalu, in the district of Kota Kinabalu, in the state of Sabah, on your own behalf did traffic in a dangerous drug, to wit, 379g of cannabis and that you have thereby committed an offence under s 39B(1)(a) of the Dangerous Drugs Act 1952 and punishable under s 39B(2) of the same Act.

According to the prosecution's case, on 19 October 1992, at about 2pm, Detective Lance Corporal Jamir bin Haji Majid ('PW2') received an information that a Bajau Philippine man wanted to sell cannabis. Upon receiving the information at about 2.30pm, PW2 and Detective Corporal Mohd Jeffrey bin Abdullah ('PW5') went to the construction site at Asia City, Kg Air. The construction site was fenced with wooden walls where there are two holes on the wooden wall where people can go in and out from it. One hole was facing the Centre Point building while the other hole was facing the Sedco building. After the observation, they returned to the Kepayan police station.

At about 6.30pm, PW2, Corporal Barahim bin Bagang ('PW3'), Lance Corporal Ramli Saleha ('PW4'), Police Constable Mohd Attar Abd Jalil ('Attar') and PW5 met in the office to plan an ambush. PW2, PW3, PW4 and Attar went to the said area in PW3's car while PW5 went there on his own motor cycle.

At about 7pm, the police party arrived at the site. They broke into two groups. One group consisting of PW2 and PW4 observed from the hole facing Centre Point. The second group comprising PW3, PW5 and Attar observed from the hole facing the Sedco building. They waited in the car.

At that time, the place was bright with street lights and lights from Centre Point building.

At about 8pm, PW2 and PW4 saw one man ('the accused') from the hole facing Centre Point. The accused was carrying a bag on his shoulder in a suspicious manner.

PW2 and PW4 went towards the accused. PW4 approached the accused from the front while PW2 approached from behind.

When PW2 and PW4 approached the accused, he was in shock and he did not move. PW4 then held the accused's right hand and introduced himself as a policeman. PW3, PW5 and Attar came and gave assistance. PW3 seized the bag from the accused's left shoulder.

Upon reaching PW3's car, PW3 opened the bag ('P13') on the bonnet of the car in the presence of the accused and the other members of the police party.

Upon opening the bag, PW3 saw a black plastic bag inside. And when he unwrapped the black plastic bag, he saw another black plastic bag. And when he unwrapped the second plastic bag, he saw a piece of cloth ('P8'). When he unwrapped the cloth, he saw a newspaper wrapper ('P9'). When he unwrapped the newspaper wrapper, he found a slab of dried vegetable matter ('P12'). After opening the bag, PW3 rewrapped the contents and brought it into the car. He placed the bag on the left-hand side of the car. PW3 sat in the driver seat while PW4 sat in the front passenger seat. PW2 and Attar sat at the rear of the car with the accused. They proceeded to the Karamunsing police station. PW5 followed from behind, with his moto rcycle.

At the Karamunsing police station, PW3 lodged a police report ('P15') while PW2 telephoned Insp Wan Kim Guan ('PW6'). At about 9.30 to 9.35pm, PW6 arrived.

PW3 then surrendered the exhibits, the accused, and the police report ('P15') to PW6.

PW6 weighed the dried vegetable matter in the presence of the accused.

PW6 then instructed PW2 to escort the accused to the lock-up.

After that, PW6 put the bag with its contents in his locker under lock and key. He was the only one who kept the key to the cabinet.

On 20 October 1992 at about 11.45am, PW6 went to the scene of crime together with PW2 and PW5. At the scene of crime, PW6 drew up a rough sketch plan ('P16'). PW6 did redo the rough sketch plan and made a fair copy of the sketch plan ('P17') and the key ('P17K').

On 20 October 1992 at about 3.20 pm, PW6 took out the exhibits to be marked and labelled.

He wrapped the dried vegetable matter ('P12') with a piece of brown paper. He marked the brown paper with a capital letter 'A' ('P7'). He then sealed it with wax seal bearing the impression 'Polis DiRaja Malaysia 313'.

He wrapped P12 with a piece of brown paper and he marked it with capital letter 'X' ('P6'). He then tied the wrapping paper marked 'X' ('P6') with a string ('P11'), and he put a wax seal bearing the impression 'Polis DiRaja Malaysia 313'.

He also wrapped the piece of cloth ('P8') which was wrapping the slab of dried vegetable matter.

He found that in the piece of cloth, there was a newspaper wrapper ('P9') wrapping the slab of dried vegetable matter ('P12').

He also found out that there was a paper cardboard ('P10') in between the newspaper wrapper and the slab of dried vegetable matter. There was a piece of pinkish string ('P11') in the newspaper wrapper.

On 20 October 1992 at about 3.55-4pm, PW6 sent the brown package marked 'X' to the government chemist, Lim Kieng Chwee ('PW1') for analysis.

A PW6 also gave PW1 a form ('P3') requesting that the brown package marked 'X' to be analysed.

On receipt of the said package, PW1 broke the wax seals. Having being satisfied that the content tallied with that stated in P3, he issued an acknowledgment receipt bearing laboratory No 5061/92 ('P4') to PW6.

B PW1 rewrapped the package and kept the exhibit in his personal locker under lock and key.

On 21 October 1992, PW1 took out the package and analysed the dried vegetable matter. He found the net weight of the plant material to be 379g.

C After taking into account the results of all the four tests and examinations namely the visual examination, the microscopic examination, the duquenois levine test ('DLT') and thin layer chromatography ('TLC'), he confirmed that the 379g of plant material to be cannabis as defined in the Dangerous Drugs Act 1952 ('the Act').

D After analysing, PW1 wrapped the exhibits back in the same manner as submitted, using the same wrapper. He then sealed it with the wax seal of the Jabatan Kimia Cawangan Sabah, Malaysia. He then kept the exhibit in his personal locker which was locked. On 3 December 1992, at about 10.35am, PW1 handed back the exhibit to PW6. PW1 also handed a chemist report ('ID5') to PW6.

E PW6 then took the brown paper package marked 'X' and the chemist report ('ID5') to his office. He then handed the brown paper package marked 'X' to Sergeant Harris Mustapha ('PW7'), the officer in charge of exhibit store.

PW6 did not send the bright coloured bag and the two black plastic F bags to the chemistry department. He kept them in his cabinet under lock and key.

On 3 December 1992, PW6 handed the bright coloured bag ('P13') and the two black plastic bags ('P14A and B') to PW7. On 12 July 1993, PW6 brought the accused to the Queen Elizabeth Hospital together with G a letter ('P18') requesting for the accused to be examined by a doctor to determine his age.

In December 1992, PW7 was the only one in charge of the exhibit store. The key to the store was kept by PW7. On 7 July 1995, he was transferred to Sipitang district police station. Corporal Richard Kim Ho H ('PW8') took his place. PW7 handed over all the keys to PW8 except the key to the steel cabinet in which he kept the brown paper package. The brown paper package was taken out by PW7. PW7 identified the brown paper package marked 'X' in court.

According to PW8 on 14 August 1995, PW7 did come to the exhibit store and took out the things wrapped with black plastic bag.

I On 21 August 1993, Dr Tin Aung Khing ('PW9'), a radiologist attached to the Queen Elizabeth Hospital, Kota Kinabalu, took the X-ray of the accused from elbow, wrist and the chest, and examined the stages of bone fusion. Based on the radiological and dental findings, his opinion was that the accused's age lies between 20–24 years. PW9 has categorically

stated that according to his finding, the age of the accused cannot be below 19 years. A

Dr Norma bte Abd Jalil ('PW10'), who is a consultant dental specialist attached to Queen Elizabeth Hospital Kota Kinabalu, examined the accused's mouth and teeth on 12 December 1993. Her findings was that the age of the accused is 20–24 years based on the dental findings. And her findings is conclusive. B

At the end of the prosecution's case, the learned counsel for the accused informed the court that he was not going to submit that there is no case to answer as he will be calling the accused to the stand. The learned deputy public prosecutor did not make any submission. C

PW9 has testified that on 21 August 1993, he took the X-ray of the accused from elbow, wrist and the chest. He then examined the stages of bone fusion. His conclusion was that based on the radiological and dental findings, the age of the accused lies between 20–24 years. PW9 has also categorically stated that the age of the accused cannot be below 19.

PW10, the consultant dental specialist has testified that on 12 July 1993, she requested for an X-ray of the accused to be taken. After the X-ray was taken she examined the accused's mouth and teeth. Based on the dental finding, her opinion was that the age of the accused is 20 to 24 years. D

From the evidence of PW9 and PW10, I am satisfied that the prosecution has proven that the age of the accused at the time of the offence was above the age of 18 years. E

I shall next deal with the issue whether the prosecution had made out a prima facie case against the accused.

In the case of *Shukri bin Mohamad v PP* [1995] 3 MLJ 229, Edgar Joseph Jr FCJ, (delivering the judgment of the Supreme Court) said at p 232: F

> The petition of appeal, as amended to include additional grounds of appeal, had attacked the conviction on a number of grounds but, before us, counsel for the appellant elected to confine his contention to only ground 3 of the additional grounds, which alleged (with some amplification) that the trial judge was wrong in relying on the evidence of the chemist SP9, Mohan s/o Gangadharan, which evidence had created a doubt as to whether the substance he had analysed was '*cannabis*' within the meaning of s 2(1) of the Act, prior to its amendment on 4 September 1992, by Act A834, that is to say, the Dangerous Drugs (Amendment) Act 1992 or '*cannabis (Indian hemp)*', a drug listed in Pt III of the First Schedule of the Act, though nowhere defined in the Act. G H
>
> A scrutiny of the record provided shows that, in essence, all the chemist had said on the point at issue was that the result of his examination and analysis of the various quantities of plant material which constituted the subject matter of the charge aforesaid, showed that in each case it was '*cannabis as defined in the Dangerous Drugs Act 1952*'. The aggregate net weight of the cannabis being 25,664.8g. The judge's notes of the evidence shows that there were repeated references by the chemist to the expression 'Cannabis as defined in the DDA 1952', with no mention made at any time I

A of the definition section in the Act, of cannabis, to wit, s 2, which at the material time, provided as follows: '"cannabis" means any part of any plant of the genus cannabis from which the resin has not been extracted, by whatever name it may be designated.'

The glaring omission by the chemist to refer to s 2 of the Act could give rise to the inference that he did not have in mind the ingredients of cannabis as defined therein, and as explained in the Supreme Court case of *PP v Alcontara* [1993] 3 MLJ 568 at p 577.

Later on at pp 234–236, his Lordship said as follows:

Having regard to the infirmities in the testimony of the chemist to which we have adverted, his testimony is open to the construction that the plant material examined by him was either 'cannabis' within the meaning of s 2 of the Act or that it was 'cannabis (Indian hemp)' listed in Pt III of the First Schedule of the Act, though nowhere defined in the Act.

We hasten to add that 'Indian hemp' was defined in s 2 of the Dangerous Drugs Ordinance 1952, in the form that it took prior to its deletion by the Dangerous Drugs (Amendment) Act 1972, as follows:

> 'The dried flowering or fruiting tops of the pistillate plant Cannabis Sativa, L, from which the resin has not been extracted, under whatever name they may be designated in commerce'

which definition, as explained by Rigby J (as he then was) in *Teoh Sook Tok v PP* [1961] MLJ 74, still affords useful guidance, as to what constitutes 'cannabis (Indian hemp)'.

On the other hand, as we have said, 'cannabis' has been defined in s 2 of the Act and later amended by Act A834, Dangerous Drugs (Amendment) Act 1992, to read:

> 'any part of any plant of the genus cannabis from which there is found to be present resin irrespective of its quantity, and by whatever name the plant may be designated.'

as explained in *Alcontara*'s case.

The next question to be logically considered is whether cannabis and cannabis (Indian hemp) even though of the same weight may be differently penalized.

Section 11(1) of the Act which comes under Pt IV of the Act, bears the main heading: 'Control of Certain Dangerous Drugs', and the sub-heading 'Extent of application of Pt IV', provides:

> 'This part applies to dangerous drugs listed in Pts III, IV and V of the First Schedule.'

'Cannabis (Indian hemp)' is listed, amongst other dangerous drugs, in Pt III of the First Schedule the Act. Section 12(2), which comes under Pt IV of the Act provides:

> 'No person shall have in his possession, custody or control any dangerous drug to which this part applies unless he is authorized to be in possession, custody or control of such drug or is deemed to be so authorized under this Act or the regulations made thereunder.'

Therefore, the inevitable conclusion is that being found in possession, custody or control of 'cannabis (Indian hemp)', without the necessary authorization, is an offence under s 12(2) and therefore punishable under s 12(3) which provides:

> 'Any person who contravenes the provisions of sub-s (2) or this section shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.'

We need hardly add, that if, as we find, that in the context of the relevant legislation 'cannabis' and 'cannabis (Indian hemp)' even though of the same weight may not be the same thing, in the sense that they may constitute the subject matter of different offences which may be differently penalized, then the presumption of trafficking under s 37(da) of the Act cannot arise, in the present case, since it says, inter alia:

> 'any person who is found in possession of —
>
> ...
>
> (vi) 200g or more in weight of cannabis;
>
> (vii) 200g or more in weight of cannabis resin;
>
> (viii) a total of 200g or more in weight of cannabis and cannabis resin;
>
> ...
>
> otherwise than in accordance with the authority of this Act or any other written law, shall be presumed, until the contrary is proved, to be trafficking in the said drug.'

It is a familiar canon of construction that where two views can reasonably be entertained regarding the meaning and effect of provisions in a highly penal statute — and, a fortiori, where what is at stake is human life — that in favour of the accused should be adopted. We are supported in this by the following passage in *Maxwell on Interpretation Of Statutes* (11th Ed) at pp 254–255, which reads:

> 'But the rule of strict construction requires that the language shall be so construed that no cases shall be held to fall within it which do not fall both within the reasonable meaning of its terms and within the spirit and scope of the enactment. Where an enactment may entail penal consequences, no violence must be done to its language to bring people within it, but rather care must be taken that no one is brought within it who is not within its express language.'

When, therefore, as here, the court is left in doubt as to whether the accused has committed an offence in a lower or higher degree of seriousness the court should make a finding in the lower degree particularly where a finding in a higher degree will give rise to a mandatory sentence of death. (See *Leong Bon Huat*'s case [1993] 3 MLJ 11 at p 15E–F):

In the result, we allow the appeal, quash the conviction, set aside the sentence of death, and substitute, in lieu thereof, a conviction under s 12(2) of the Act, and a sentence of five years imprisonment which, it will be recalled, is the maximum sentence of imprisonment provided under s 12(3), to take effect from date of arrest.

For the avoidance of doubt, we should like to make it clear that although we have adverted to a number of infirmities both in the testimony

A of the chemist and the grounds of judgment of the judge, the conviction herein has been quashed solely on ground 3 of the additional grounds of appeal hereinbefore referred to. The other points to which we have referred though substantial, are merely by way of make weight only.

I shall now apply the aforesaid Supreme Court decision to the case before
B me.

PW1 has stated in his examination-in-chief that taking into account the results of all the four tests and examinations, namely the visual examination, the microscopic examination, the DLT and TLC, he confirmed that the 379g of plant material to be cannabis as defined in the
C Act.

PW1 also confirmed that ID5 was the chemist report prepared by him. In ID5, it is stated that 'cannabis' is as defined in the Act. Even in ID5, the chemist did not mention that the cannabis was as defined in s 2 of the Act. However, ID5 is not admissible in evidence as the prosecution
D has not adduced evidence that ID5 was served on the accused ten clear days before the commencement of the trial as required by s 399(i) of the Criminal Procedure Code (FMS Cap 6) ('the CPC').

PW1 did not specifically say that cannabis was as defined in s 2 of the Act.

E The term cannabis as referred by PW1 may even refer to cannabis (Indian hemp) in Pt III of the First Schedule of the Act.

As PW1 has not specifically testified that the plant material was cannabis as defined under s 2 of the Act, an inference most favourable to the accused persons must be adopted: *Tai Chai Keh v PP* [1948-49] MLJ
F Supp 105.

Further, in *Shukri bin Mohamad v PP* [1995] 3 MLJ 229, his Lordship Edgar Joseph Jr FCJ at p 235 said:

> It is a familiar canon of construction that where two views can reasonably be entertained regarding the meaning and effect of provisions in a highly penal
G statute, — and, a fortiori, where what is at stake is human life — that in favour of the accused should be adopted.

And at p 236, his Lordship further said:

> When therefore, as here, the court is left in doubt as to whether the accused has committed an offence in a lower or higher degree of seriousness the
H court should make a finding in the lower degree particularly where a finding in a higher degree will give rise to a mandatory sentence of death. [See *Leong Bon Huat*'s case [1993] 3 MLJ 11 at p 15E–F].

In view of the aforesaid, I have no choice but to construe that the term cannabis as used by PW1 as cannabis (Indian hemp).

I Applying the decision of the Supreme Court in the case of *Shukri bin Mohamad v PR* [1995] 3 MLJ 229, I accordingly amended the charge against the accused to one of possession of cannabis (Indian hemp) under s 12(2) of the Act and punishable under s 12(3) of the Act, and called upon the accused to enter his defence. The amended charge is as follows:

That you, on 19 October 1992, at about 8pm, at the car park at Sedco in front of Centre Point, Kota Kinabalu, in the district of Kota Kinabalu, in the state of Sabah, not being a person authorized or deemed to be so authorized under the Dangerous Drugs Act 1952 or any regulations made thereunder did have in your possession dangerous drug, to wit, cannabis (Indian hemp) weighing 379g in contravention of s 12(2) of the Dangerous Drugs Act 1952, and that you have thereby committed an offence punishable under s 12(3) of the Dangerous Drugs Act 1952.

By virtue of s 158(ii) of the CPC, the amended charge was read and explained to the accused.

After the amended charge was read and explained to the accused, the accused pleaded guilty to the amended charge. The counsel understood the nature and consequences of his plea.

I thus convicted the accused on his own plea of guilty.

In mitigation of sentence, the learned counsel for the accused requested the court to take into consideration the age of the accused, his guilty plea, that he is a first offender and he is remorseful.

On the other hand, the learned deputy public prosecutor urged the court to impose the maximum sentence as the crime of possession of drugs is very serious in Sabah.

As regards sentence, I have taken into consideration the question of public interest, the circumstances and manner in which the offence was committed, the need to strike a reasonable balance between the interests of the public and the interests of the accused, the question of deterrence to the accused and to would be offenders, the rampancy of the offence and the plea in mitigation before imposing sentence. (See *Mohamed Jusoh bin Abdullah & Anor v PP* (1947) 13 MLJ 130.)

In the circumstances, I sentenced the accused to five years' imprisonment with effect from the date of arrest.

I also ordered that the cannabis (Indian hemp) to be destroyed by the senior assistant registrar of the High Court after the period of appeal or when is no appeal.

*Order accordingly.*

Reported by Angela Ho